

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

BRAD NORMAN,

Plaintiff,

v.

TRAVELERS INDEMNITY COMPANY,

Defendant.

CASE NO. C20-1250-JCC

MINUTE ORDER

The following Minute Order is made by direction of the Court, the Honorable John C. Coughenour, United States District Judge:

Defendant removed this case to this Court in August 2020. (Dkt. No. 1.) Plaintiff's complaint did not contain a jury demand, (*see* Dkt. No. 1-1), and it does not appear that Plaintiff later demanded a jury under Federal Rule of Civil Procedure 38(b) or Local Civil Rule 38(b), (*see* Dkt. No. 8 at 6 (Dec. 8, 2020 Joint Status Report: "At this time, the case is set to be tried without a jury . . ."), 7 ("Neither party filed a demand for a jury.")).

On October 18, 2021, the Court by minute order granted the parties' stipulated motion resetting the trial date (Dkt. No. 12.) That stipulation contained a proposed "jury trial date," (*see* Dkt. No. 11 at 1), even though no jury trial had been demanded. Plaintiff then filed a jury trial demand. (Dkt. No. 13). Plaintiff's counsel later reached out to the Court asking that this case be set for a jury trial rather than a bench trial.

1 Under Federal Rule of Civil Procedure 38(b), a party may demand a jury trial by filing
2 and serving a written demand “no later than 14 days after the last pleading directed to the issue
3 [on which a jury trial is demanded] is served.” “A party waives a jury trial unless its demand is
4 properly served and filed.” Fed. R. Civ. P. 38(d). Plaintiff filed and served his complaint in July
5 2020, (Dkt. No. 1 at 2), and filed his jury demand in October 2021 (Dkt. No. 13.) Accordingly,
6 Plaintiff’s jury demand is untimely and is deemed waived. *See Pac. Fisheries Corp. v. HHH Cas.*
7 *& Gen. Ins., Ltd.*, 239 F.3d 1000, 1002 (9th Cir. 2001) (citing *Russ v. Standard Ins. Co.*, 120
8 F.3d 988, 990 (9th Cir. 1997)).

9 DATED this 9th day of November 2021.

10 Ravi Subramanian
Clerk of Court

11 s/Sandra Rawski
12 Deputy Clerk
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